IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2727 OF 2003

Bennett Villa Co-op. Hsg. Soc.Ltd. ..Petitioners

Vs.

Municipal Corpn.of Brihanmumbai & Ors..Respondents

Mr.C.M.Konde i/b. Soloman & Co. for Petitioners
Mrs.N.V. Sanglikar for Respondents

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 21ST MARCH, 2005.

P.C.

. Rule. Heard forthwith.

. The property which is the subject matter of the present dispute is Schedule "W" property.

. The Respondent Corporation had made a demand based on the Government G.R. dated 5th October, 1999. The Government has since withdrawn the said G.R.. Considering that the demand made by the Respondent Corporation based on the G.R. dated 5th October, 1999 would no longer survive.

. In the light of that the demand notice dated 22nd March, 2002 is quashed and set aside.

. All questions of both the Petitioners and

Respondents are left open for consideration. It will be open to the Respondents if the Government issues fresh G.R. to act on the fresh G.R. if in law they are so entitled.

. With the above observations Petition stand disposed off. Needless to say if fresh demand is made it will be open to the Petitioner to take such steps in law to which they are entitled.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)